Tafsīr of al-Imām Fakhr al-Dīn al-Rāzī of Sūrah al-Nisāʾ 34.

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Introduction to the translation:

al-Imām Fakhr al-Dīn al-Rāzī (d. 606 AH) also known as Abū ʿAbd Allāh Muḥammad ibn ʿUmar ibn al-Ḥusayn al-Rāzī, was a prominent Persian polymath, theologian, philosopher, and exegete of the Islāmic Golden Age. Born in Rayy (modern-day Iran), he was a key figure in Islāmic scholarship, particularly in the fields of Kalām (Islamic theology), philosophy, and Qurʾānic exegesis.

His most renowned work is the comprehensive 'Mafātīḥ al-Ghayb' (The Keys to the Unseen), also known as 'Tafsīr al-Kabīr' (The Great Commentary). This commentary is notable for its in-depth philosophical and theological analysis of the Qurʾān.

al-Rāzī was a major proponent of the Ashʿarīte school of theology and heavily engaged with Greek philosophy, particularly Aristotelian and Neoplatonic traditions. He sought to reconcile reason with Islāmic teachings. He was also a follower of the school of Imām al-Shāfiʿī.

In this translation of Sūrah al-Nisāʾ āyah, 34:

ٱلرِّجَالُ قَوَّٰمُونَ عَلَى ٱلنِّسَآءِ بِمَا فَضَّلَ ٱللَّهُ بَعْضَهُمْ عَلَىٰ بَعْضٍ وَبِمَآ أَنفَقُوا۟ مِنْ أَمْوَٰلِهِمْ ۚ فَٱلصَّٰلِحَٰتُ قَٰنِتَٰتٌ حَٰفِظَٰتٌ لِّلْغَيْبِ بِمَا حَفِظَ ٱللَّهُ ۚ وَٱلَّٰتِى تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَٱهْجُرُوهُنَّ فِى ٱلْمَضَاجِعِ وَٱضْرِبُوهُنَّ ۖ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا۟ عَلَيْهِنَّ سَبِيلًا ۗ إِنَّ ٱللَّهَ كَانَ عَلِيًّا كَبِيرًا

Men are in charge of women by [right of] what Allāh has given one over the other and what they spend [for maintenance] from their wealth. So righteous women are devoutly obedient, guarding in [the husband's] absence what Allāh would have them guard. But those [wives] from whom you fear arrogance - [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them [lightly]. But if they obey you [once more], seek no means against them. Indeed, Allāh is ever Exalted and Grand.

Imām al-Rāzī discusses many issues, the Imām offers a detailed analysis, addressing key concerns about gender roles, the nature of authority, and the responsibilities in marital relationships. He refutes misunderstandings regarding the verse's apparent preference for men and clarifies its contextual balance between rights and duties. Through a combination of rational argumentation, Qurʾānic evidence, and prophetic traditions, he highlights the importance of justice, compassion, and measured responses within the marital dynamic. This translation aims to bring forth his scholarly insights to deepen our understanding of this pivotal verse.

The Imām begins by explaining the concept of qawwām, describing it as a role of diligent care and authority over women, rooted in two key reasons: Allāh's favoring of men with specific qualities and their financial responsibilities. He clarifies that this authority is not absolute dominance but a structured system of mutual rights, where men's physical and financial capacities balance women's inherent virtues and contributions.

al-Rāzī also addresses the conditions under which a husband may deal with perceived rebellion (nushūz) from his wife. He emphasizes a graduated approach—admonishment (waʿẓ), temporary separation, and, only as a last resort, mild physical correction. However, he highlights that such actions must never lead to harm or oppression. He discusses prophetic guidance that underscores restraint, advocating for leniency and the avoidance of punitive measures whenever possible.

Furthermore, the Imām explores the concept of reconciliation through arbitration when marital discord persists. He examines the role of arbitrators, their qualifications, and the procedural steps for ensuring fairness and justice. He reflects on the divine wisdom in appointing arbitrators, emphasizing that their ultimate goal is to restore harmony within the marriage under Allāh's guidance.

Beginning of the translation.

Allah taʿālā says in Sūrah al-Nisāʾ (4:34):

«الرجال قوامون على النساء بما فضل الله بعضهم على بعض وبما أنفقوا من أموالهم فالصالحات قانتات حافظات للغيب بما حفظ الله واللاتي تخافون نشوزهن فعظوهن واهجروهن في المضاجع واضربوهن فان أطعنكم فلا تبغوا عليهن سبيلاً إن الله كان علياً كبيراً»

“Men are the protectors and maintainers of women, because Allāh has given the one more (strength) than the other, and because they support them from their means. Therefore, the righteous women are devoutly obedient, and guard in (the husband’s) absence what Allāh would have them guard. As to those women on whose part you fear disobedience, admonish them, refuse to share their beds, and (as a last resort) strike them (lightly). But if they return to obedience, seek no means against them. Surely Allāh is Most High, Most Great.”

Know that when Allāh taʿālā said Sūrah al-Nisāʾ (4:32):

«ولا تتمنوا ما فضل الله به بعضكم على بعض»

“Do not covet what Allāh has bestowed on some of you over others.”

It was mentioned that the reason for the revelation of this verse was that women had spoken about Allāh favoring men over them in inheritance (al-Mīrāth). Allāh explained in this verse that He favored men over women in inheritance (al-Mīrāth) because men are maintainers of women. Although both genders share the benefit of one enjoying the other, Allāh commanded men to give their wives the dowry (mahr) and to provide them with financial support (al-nafaqah). Thus, the advantage given to one side is offset by an advantage given to the other. It is as though there is no true preference at all. This is the

explanation of the structure of the verse. And within this verse, there are various issues to be explored.

First Issue:

(al-Qawwām) refers to one who is exceedingly diligent in managing an affair. It is said: "This is the qawwām or qiyyām of a woman" for the one who takes care of her matters and strives to protect her.

Ibn ʿAbbās (Raḍi Allāhu anḥu) said:

"This verse was revealed concerning the daughter of Muḥammad ibn Salāmah and her husband, Saʿd ibn Rabīʿ, one of the leaders of the Anṣār. He struck her with a slap, causing her to leave his bed and go to the Messenger of Allāh (ﷺ). She complained, saying that he slapped her and that the mark of the slap was still visible on her face. The Prophet (ﷺ) said: "Exact retribution from him." Then he said to her: "Be patient until I see what is revealed.""

Then this verse was revealed:

«الرجال قوامون على النساء»

"Men are qawwām (protectors and maintainers) over women."

This means that men have authority to discipline them and hold them accountable. It is as though Allāh has made him (the husband) an authority over her, whose decisions are enforceable upon her.

When this verse was revealed, the Prophet (ﷺ) said: "We intended one thing, and Allāh intended another, and what Allāh intended is better." Thus, retribution was lifted.

Then Allāh, after establishing authority for men over women and granting them enforceable authority, clarified that this is based on two reasons:

1. The first is Allāh's statement:

«بما فضل الله بعضهم على بعض»

"Because Allāh has favored some of them over others."

Know that the preference of men over women is established in many aspects, some of which are inherent qualities (ṣifāt al-ḥaqīqīyah) and others are legal rulings (aḥkām al-shaʿrīa).

As for the inherent qualities (ṣifāt al-ḥaqīqīyah), know that true virtues boil down to two main factors: knowledge (ʿilm) and ability (qudrah). Undoubtedly, the intellects and knowledge of men are generally greater, and their ability to undertake difficult tasks is more complete. For these two reasons, men have been granted superiority over women in intellect, decisiveness, strength, writing (generally), horsemanship, and archery. Among them are prophets (anbiyāʾ) and scholars (ʿulamāʾ), and they hold positions of both major and minor leadership (imāmah), engage in jihād, give the call to prayer (aḍān), deliver sermons (khuṭbah), perform spiritual retreats (iʿtikāf), and provide testimony in matters of legal punishments (ḥudūd) and retribution (qiṣāṣ), by consensus.

In marriage-related matters, according to Imām al-Shāfiʿī (Raḍi Allāhu anḥu), men have additional advantages such as a greater share in inheritance (al-mīrāth), being the aṣābah

(residual heirs) in inheritance, bearing blood money (dīyah) for accidental killing, participation in oath-taking (qāsamah), and holding authority over marriage (nikāḥ), divorce (ṭalāq), reconciliation (rajʿah), and the right to multiple spouses. Additionally, lineage is attributed to them.

All of this indicates the preference of men over women.

2. Reason for the superiority of men is the following statement of Allāh:

«وبما أنفقوا من أموالهم»

“And because they spend of their wealth.”

This means that the man is better than the woman because he gives her the dowry (mahr) and spends on her.

Then, Allāh divided women into two categories, describing the righteous women among them as those who are qānitāt (devoutly obedient), ḥāfiẓāt (guardians) of the unseen, as Allah has commanded.

Issues:

First Issue:

The author of al-Kashshāf (al-Zamakhsharī) said: Ibn Masʿūd (Raḍi Allāhu anḥu) said:

"Righteous women, obedient and guardians of the unseen.”

«فالصوالح قوانت حوافظ للغيب»

“Faṣ-ṣāliḥāt qāwāmāt ḥāfiẓāt lil-ghayb.”

Second Issue:

Allāh’s statement:

"Obedient women, guardians of the unseen.”

«قانتات حافظات للغيب»

“Qānitāt ḥāfiẓāt lil-ghayb.”

It has two interpretations:

The first interpretation: ‘qānitāt’ means obedient to Allāh, and ‘ḥāfiẓāt lil-ghayb’ means upholding the rights of the husband, first fulfilling the rights of Allāh and then following that by fulfilling the rights of the husband.

The second interpretation: The woman’s condition may be considered either in the presence of the husband or in his absence. As for her condition in the presence of the husband, Allāh describes her as being qānitah (obedient). The essence of qānut (obedience) is continuous obedience, meaning that she is committed to fulfilling the rights of her husband. The apparent meaning of this is a statement of fact, but what is actually intended is a command for obedience.

Know that a woman is not righteous (ṣāliḥah) unless she is obedient to her husband, because Allāh taʿālā said:

«فالصالحات قانتات»

“The righteous women are qānitāt (obedient).”

The definite article in the plural form indicates totality, which means that every woman who is righteous must indeed be obedient. al-Wāḥidī (Raḥimahu -llāh) said:

“The term ‘qanūt’ implies obedience, and it is general for both obedience to Allāh and obedience to husbands.”

As for the woman’s behavior in the absence of her husband, Allāh described her as ḥāfiẓāt lil-ghayb. Know that ghayb (unseen) is the opposite of shahādah (witnessed). The meaning here is that they preserve the duties of the unseen, and this includes several aspects:

1. Firstly, she guards her own self from adultery (zinā’), so that her husband is not dishonored due to her unchastity, and to ensure that no child is born from another man’s seed.
2. Secondly, she protects his wealth from loss.
3. Thirdly, she safeguards his home from what is inappropriate.

The Prophet (ﷺ) said: “The best of women is the one who, when you look at her, makes you happy, when you command her, she obeys, and when you are absent, she guards your property and herself.”

The above verse was recited after this ḥadīth.

The third issue:

The word ‘ما/mā’ in the phrase ‘بما حفظ الله/bimā ḥafaẓa Allāh’ has two interpretations:

1. The first interpretation:

It means ‘the one that’. The return (to what ‘mā’ refers to) is implied and not directly stated. The intended meaning is: ‘What Allāh has preserved for them.’ This implies that women are obligated to preserve the rights of their husbands in return for Allāh’s preservation of their rights, where He has commanded men to treat them justly, to keep them in a good manner, and to give them their due rights. Therefore, the phrase ‘bimā ḥafaẓa Allāh’ is comparable to saying ‘this for that’, meaning that their preservation of the rights of their husbands is in exchange for the preservation of their (wives) own rights as decreed by Allāh.

2. The second interpretation:

The word ‘ما/mā’ can be understood as a causative particle (maṣdarīyah), meaning ‘by the preservation of Allāh/biḥifẓi Allāh’. With this interpretation, there are two possible explanations:

1. The first explanation: They are protectors of the unseen (ghayb) by the preservation that Allāh has granted them, meaning that they are able to preserve the rights only by Allāh’s guidance. This is an example of a source being attributed to the doer of the action.

2. The second explanation: The meaning is that the woman’s ability to preserve the unseen (ghayb) is due to Allāh’s protection, i.e., her ability to maintain the limits of Allāh and His commands. If she were not striving to uphold Allāh’s commands and striving to observe His orders, she would not be obedient to her husband. This interpretation attributes the source to the recipient of the action.

And know that after Allāh mentioned the righteous women, He then mentioned those who are not righteous, saying:

«واللاتي تخافون نشوزهن»

“And those whom you fear may be rebellious.”

know that fear is a state that occurs in the heart when there is an anticipation of an undesirable event in the future. Imām al-Shāfiʿī (Raḍi Allāhu anḥu) said:

«واللاتي تخافون نشوزهن»

‘And those whom you fear their rebellion (nushūz)’.

Rebellion (nushūz) can be expressed through words or actions. An example of a word would be if she refuses to respond when he calls her or speaks to her in a submissive manner, but later changes. An example of an action would be if she used to approach him when he entered or hastened to fulfill his requests and eagerly went to his bed when he asked, but then changed in all these behaviors. These are signs that indicate her rebellion and disobedience. In such cases, the suspicion of rebellion and the preliminary signs of these changes cause fear of her rebellion. As for nushūz, it refers to the disobedience of the husband and the act of defying him through opposition. The origin of the term comes from the word ‘nashara’, meaning to rise up. Similarly, the raised land is called nashr (high ground).

Then Allāh taʿālā said:

«فعظوهن واهجروهن في المضاجع واضربوهن»

“And admonish them, and forsake them in beds, and strike them.”

In this verse, there are issues:

The first issue:

Imām al-Shāfiʿī (Raḍi Allāhu anḥu) said:

As for the admonition (waʿẓ), he should say to her:

“Fear Allāh, for I have a right over you. Return from what you are upon, and know that obedience to me is obligatory for you” or something similar.

She should not be struck in this situation, as the admonition may be sufficient for her. If she persists in her rebellion, then at that point, he should forsake her in the bed, which implies refraining from speaking to her. Al-Shāfiʿī (Radi Allāhu anḥu) said:

“He should not increase his abandonment to more than three days of silence. Furthermore, if he forsakes her in the bed, and if she loves her husband, this will be difficult for her, and she will leave the rebellion. But if she hates him, this abandonment will suit her, and it will be evidence of the completeness of her rebellion.”

Some scholars have interpreted this to mean abandonment in physical intimacy, because adding it to the beds implies this meaning. After this forsaking, if she remains in her rebellion, then he should strike her.

Al-Shāfiʿī (Raḍi Allāhu anḥu) said:

“Striking is permissible, but refraining from it is better.”

It is narrated from ʿUmar ibn al-Khaṭṭāb (Raḍi Allāhu anḥu) that he said:

“We, the people of Quraysh, used to have control over our women. But when we came to Madīnah, we found that the women there had control over their husbands. Our

women became like their women, and they started to challenge their husbands, i.e., rebel and become bold. I went to the Prophet (ﷺ) and said: 'I have noticed that the women have control over their husbands.' He (ﷺ) gave permission to strike them. So, I went around to the houses of the wives of the Prophet (ﷺ), and I found that seventy women came, all complaining about their husbands. The Prophet (ﷺ) said: "Tonight, seventy women from the family of Muḥammad have complained about their husbands, and you will not find those who have struck their wives to be better than those who have not.""

This means that those who have struck their wives are not better than those who have not. al-Shāfiʿī (Raḍi Allāhu anḥu) said:

"This ḥadīth indicates that it is preferable to leave the striking. As for when she is struck, the strike must not lead to any danger to her life. It should be distributed over her body and should not be concentrated in one area. The face should be avoided, as it is the place of beauty, and the strike should be less than forty strikes."

Some of our companions (Shāfiʿīs/Ashʿarīs) said that it should not exceed twenty, as this is the limit for slaves. Others said the strike should be with a folded handkerchief or by hand. She should not be struck with a whip or a stick. In general, the emphasis is on minimizing the severity of the strike in the best way possible.

And I (Imām al-Rāzī) say: What is indicated is that Allah taʿālā, began with admonition (waʿẓ), then moved to forsaking her in the bed (hijrān fī al-muḍājʿ), and then to striking (ḍarb), and this progression serves as a reminder that when the objective can be achieved through the lighter means, it should be sufficient, and one should not resort to the more difficult path. Allāh knows best.

The second issue:

Our companions disagreed. Some said: The ruling of this verse is in a specific order. Although the apparent wording suggests a combination, the context of the verse indicates an order.

The Commander of the Believers (Amīr al-Muʾminīn), ʿAlī ibn Abī Ṭālib (Raḍi Allāhu anḥu) said:

“He should admonish her with his words, and if she repents, he has no further authority over her. If she refuses, he should forsake her in the bed. If she refuses again, he should strike her. If she does not take heed from the strike, he should send for the arbitrators (ḥakamayn).”

Others said that this order is followed only when fearing rebellion (nushūz), but when rebellion (nushūz) is confirmed, it is permissible to combine all actions.

Some of our companions (Shāfiʿīs/Ashʿarīs) said: The correct opinion is that when fearing rebellion (nushūz), he may admonish her, and it is uncertain whether he may forsake her. If rebellion (nushūz) is shown, he may admonish her, forsake her, or strike her.

Then Allāh taʿālā said:

«فان أطعنكم»

“But if they obey you.”

Meaning if they return from their rebellion (nushūz) to obedience (ṭāʿah) through this discipline,

«فلا تبغوا عليهن سبيلاً»

“Then do not seek against them a way”

Meaning do not look for a means of striking or forsaking them out of antagonism or harm. And Allāh taʿālā says:

«إن الله كان علياً كبيراً»

“Indeed, Allāh is Most High and Great” and His exaltedness is not by spatial elevation, nor is His greatness by physical magnitude. Rather, He is Great due to the perfection of His power and the execution of His will over all possibilities.

Mentioning these two attributes in this context is profoundly appropriate, as explained by the following points:

1. The purpose is to warn husbands against oppressing their wives. The meaning is that if the wives are unable to defend themselves from your oppression or seek justice from you, then Allāh taʿālā is a conqueror and powerful, capable of taking retribution for them and securing their rights. Therefore, you should not be deceived by being physically superior or having a higher rank than them.

2. Do not seek means against them if they obey you simply because your hands are above theirs, for Allāh is higher than you and greater than everything. He is transcendent and does not impose anything except with justice and truth.

3. Allāh, despite His exaltedness and greatness, does not burden you beyond your capacity. Similarly, do not burden your wives with what they cannot bear, such as demanding their love, as they may not have control over it.

4. Despite His exaltedness and greatness, Allāh does not hold the sinner accountable if they repent. Rather, He forgives them. So if a woman repents from her rebellion (nushūz), you are more deserving of accepting her repentance and refraining from punishing her.
5. Despite His exaltedness and greatness, Allāh is satisfied with the external actions of His servants and does not expose their inner secrets. Thus, you are more deserving of being content with the outward conduct of your wife and refraining from delving into her heart and mind to uncover her feelings of love or resentment.

Allāh ta'ālā said:

«وإن خفتم شقاق بينهما فابعثوا حكماً من أهله وحكماً من أهلها إن يريدا إصلاحاً يوفق الله بينهما إن الله كان عليماً خبيراً»

"And if you fear dissension between the two, send an arbitrator from his people and an arbitrator from her people. If they both desire reconciliation, Allāh will cause it between them. Indeed, Allāh is Knowing and Acquainted."

Know that when Allāh mentioned that in the case of a wife's rebellion (nushūz), the husband should first admonish her, then forsake her, and finally strike her, He clarified that after striking, there remains no solution except resorting to arbitration to ensure justice for the oppressed against the oppressor. Thus, Allāh ta'ālā said:

«و إن خفتم شقاق بينهما»

"And if you fear dissension between the two"

There are several points to discuss here:

First Point:

Ibn ʿAbbās (Raḍi Allāhu anḥu) said that ‘fear’ (khiftum) here means ‘you have come to know.’ He explained that this differs from the verse;

«واللاتي تخافون نشوزهن»

“those [wives] from whom you fear arrogance”

— Qurʾān (4:34)

The above āyah based on suspicion or presumption. The distinction between the two contexts lies in the fact that in the beginning, signs of rebellion become apparent, which leads to fear. However, after admonition, forsaking, and striking, if the wife persists in rebellion, it becomes certain that she is rebellious. Thus, in this context, ‘fear’ must be understood as knowledge.

al-Zajjāj criticized this interpretation, stating that interpreting ‘fear’ (khiftum) here as ‘certainty’ is incorrect, for if we had definitive knowledge of dissension (shiqāq), there would be no need for arbitrators (ḥakamayn).

The other commentators (mufassirīn) responded by saying that even if the existence of dissension (shiqāq) is certain, we do not know whether that dissension originated from the husband or the wife. Therefore, the need for arbitrators (ḥakamayn) arises to determine this matter. It may also be said that the existence of dissension at present is known, and such dissension does not cause fear. Rather, the fear pertains to whether the dissension will persist in the future. Thus, the purpose of appointing the arbitrators is not to remove the current dissension, as that is impossible, but rather to prevent the dissension from continuing into the future.

Second Point:

There are two interpretations of shiqāq (dissension):

1. Each of the two does something that causes hardship to the other.
2. Each of them ends up on opposite sides, engaging in hostility and estrangement.

Third Point:

The phrase 'dissension between them/شقاق بينهما' (shiqāq baynahumā) means 'dissension existing between them.' The verbal noun (ṣidq) is attributed to the context (ẓarf), and attributing verbal nouns to contexts is permissible because they occur within them. For example, it is said, "I admire the fasting of the Day of 'Arafah,"

and Allāh said: "But [it was] the plotting of the night and the day"

«بل مكر الليل و النهار»

— Qur'ān (34:33).

Fourth Point:

Who is being addressed by the statement?

"then appoint an arbitrator from his people and an arbitrator from her people"

«فابعثوا حكماً من أهله»

There is a difference of opinion regarding (who is being referred) on this:

1. Some said it refers to the ruler (imām) or those who act on his behalf, as implementing the rulings of Islāmic law is within his jurisdiction.
2. Others said it refers to any of the righteous individuals from the community (ṣāliḥūn min al-ummah). This is because the phrase ‘if you fear’ (khiṭāb 'khiftum') is directed at the collective, and there is no reason to assume it is specifically directed at one group over another. Thus, it must be understood as addressing all believers.

Based on this, the phrase ‘if you fear’ should be interpreted as an address to the collective community of believers. Then the phrase ‘then appoint’ (fa’baʿathū) becomes a command to any individual among the believers who can carry out this task. Therefore, whether a ruler is present or not, the righteous individuals of the community are permitted to appoint an arbitrator from his side and another from hers for the purpose of reconciliation.

Additionally, this is considered a form of preventing harm, and preventing harm is a responsibility that anyone has the right to fulfill.

Fifth Point:

If discord (shiqāq) arises between them, it may stem from both of them, from the husband, from the wife, or it may be unclear.

If it stems from the wife, it is classified as defiance (nushūz), and its ruling has already been mentioned.

If it stems from the husband, and he committed a lawful act, such as marrying another woman or acquiring a concubine, the wife should be informed that this is permissible and advised against engaging in discord. If she complies, the issue is resolved. If not, her behavior is classified as nushūz.

If it stems from wrongdoing on his part, the judge instructs him to fulfill his obligations.

If the discord stems from both sides, or the situation is ambiguous, the same procedure applies: a resolution must be sought.

Sixth Point:

Imām al-Shāfiʿī (Raḍi Allāhu anḥu) stated: It is recommended that the judge appoint two just individuals as arbiters (ḥakamayn) and make them responsible for the decision. It is preferable for one to be from the husband's family and the other from the wife's family, as their relatives are more familiar with their circumstances than outsiders and are more eager to restore harmony. However, if the arbiters are outsiders, it is still permissible.

The purpose of the arbiters is to meet with each party individually to investigate the truth of the matter. They need to determine whether the person wishes to remain in the marriage or to separate. Then, the two arbiters come together and make the appropriate decision, whether it is a divorce (ṭalāq) or a separation (khulʿ).

Seventh Point:

Can the two arbiters (ḥakamayn) implement decisions binding on the spouses without their consent—such as the arbiter representing the husband pronouncing divorce (ṭalāq), or the arbiter representing the wife granting separation (khulʿ) by forfeiting some of her wealth?

Imām al-Shāfiʿī (Raḍi Allāhu anḥu) has two opinions on this matter:

1. The first opinion: It is permissible, as also held by Imām Mālik and Isḥāq (ibn Rāhwayh).

2. The second opinion: It is not permissible, as held by Abū Ḥanīfa. According to this view, the role of the arbiters is akin to that of agents (wakālah), and their actions require explicit authorization, just as other forms of agency do.

Imām al-Shāfiʿī (Raḍi Allāhu anḥu) cited the incident involving ʿAlī (Raḍi Allāhu anḥu) as evidence.

Ibn Sīrīn narrated from ʿUbaydah that a man and a woman came to ʿAlī (Raḍi Allāhu anḥu), each accompanied by a group of people. ʿAlī commanded them to appoint an arbiter from the husband's family and one from the wife's family. Then, he instructed the arbiters, saying:

"You both understand your responsibilities. If you see reconciliation as possible, then reconcile. If you see separation as necessary, then separate."

The woman said: "I am content with the Book of Allāh concerning me and accept the decision of my representative."

The man said: "As for separation, I do not agree."

ʿAlī (Raḍi Allāhu anḥu) replied: "By Allah, you are lying. You must agree to the same terms she has accepted."

Imām al-Shāfiʿī (Raḍi Allāhu anḥu) commented that this narration supports both positions in this matter.

The first evidence supporting the first opinion is that the two arbitrators (ḥakamayn) were appointed without the consent of the husband and wife. The statement "It is incumbent upon both of you—if you see fit to reconcile, then reconcile them" implies at least that such authority is permissible for them.

As for the evidence supporting the second opinion, it is that when the husband did not consent, ʻAlī refrained from proceeding. The meaning of his statement "You have lied" is that you are not being just in your claim since you did not do as she did. Some scholars also argued for the first opinion by noting that Allāh referred to them as ḥakamayn (arbitrators/judges), and a judge has the authority to issue rulings. Thus, if they are designated as judges, they must have the power to execute judgments.

On the other hand, others argued for the second opinion by stating that Allāh, when mentioning the two arbitrators, attributed to them only the role of reconciliation. This implies that anything beyond reconciliation is not delegated to them.

Eighth Point:

Allāh says:

«وإن خفتم شقاق بينهم»

"And if you fear a breach between them"

Meaning a division between the husband and wife. Although the verse does not explicitly mention them, it refers to them by implication through the terms "men" and "women".

Then Allāh says:

«إن يريدا إصلاحاً يوفق الله بينهما»

"If they both desire reconciliation, Allāh will bring about reconciliation between them."

This verse involves two issues:

First Issue: Regarding the phrase "If they both desire/إن يريدا," there are several interpretations:

1. The two arbitrators (ḥakamayn) desire good and reconciliation, and Allāh will bring them together to agree on what is best.
2. The two arbitrators desire reconciliation, and Allāh will bring about reconciliation between the couple.
3. The husband and wife desire reconciliation, and Allāh will bring them together.
4. The husband and wife desire reconciliation, and Allāh will guide the arbitrators to work towards reconciliation.

There is no doubt that the wording of the verse is ambiguous, allowing for all these meanings.

Second Issue: The essence of tawfīq (reconciliation) is alignment or harmony, a state in which actions of obedience occur. The verse indicates that no goal or objective can be accomplished without Allāh's guidance. This means that if the intent of the two arbitrators is to reconcile, Allāh will help the couple achieve this reconciliation.

Then Allāh says:

«إن الله كان عليماً خبيراً»

"Indeed, Allāh is All-Knowing, All-Aware."

This serves as a warning to both the couple and the arbitrators that they must follow the path of truth.

End translation.